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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 April 1999, at 11.55 a.m.

Chairperson: Ms. BONOAN-DANDAN

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* The summary record of the first part (closed) of the meeting appears as E/C.12/1999/SR.6.

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GE.99-41403 (E)

The public part of the meeting was called to order at 11.55 a.m.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 7) (continued)

Proposal on a workshop on indicators and the right to education (HR/CESCR/NONE/1999/4)

1. The CHAIRPERSON invited Mr. Hunt to introduce the document.

2. Mr. HUNT (Rapporteur) said that the proposal in question had arisen out of the conclusions reached by the Committee on the day of General Discussion on articles 13 and 14 of the Covenant, namely, that the question of the right to education required more thorough study and, consequently, that it called for closer cooperation between the treaty bodies, the specialized agencies and non-governmental organizations. The right to education was a matter which increasingly attracted the attention of the international community. Thus, the Commission on Human Rights had recently approved the idea of a workshop on indicators and the right to education. In the interests of efficacy, the workshop would be relatively small and would have a single, clearly defined objective, namely, the adoption of indicators on the right to education.

3. The CHAIRPERSON invited members of the Committee to make general comments on the proposal under consideration before embarking upon its consideration paragraph by paragraph.

4. Mr. RIEDEL said that the idea behind the proposal was an excellent one. If the Committee wanted States parties to adopt an optional protocol to the Covenant, it had to spell out the contents of each of the rights enshrined in the Covenant. In that connection it would be important to concentrate not only on indicators but also on benchmarks, without which it was impossible to assess the extent to which States were fulfilling their obligations under the Covenant. The Committee would have to proceed with a great deal of caution because the choice of a specific indicator was always a value judgement and would have a profound effect on the interpretation given in future to the Covenant's provisions.

5. Mr. ANTANOVICH said that he understood the Committee to be planning to identify indicators for each of the rights set forth in the Covenant. If that was so, why had it been decided to start with the right to education and, what was going to be done about the other rights? How much time would it take to complete the undertaking? And had anyone thought of involving UNESCO, which, after all, was the agency responsible for educational matters? To what extent would the proposed workshop be competent to carry out such a complex task?

6. The CHAIRPERSON recalled that UNESCO had been closely associated with the day of General Discussion which the Committee at its nineteenth session had devoted to the right to education.

7. Mr. GRISSA said that, for his part, he did not think that the right to education fell within the competence of UNESCO, whose concern with education was of a general nature. Quite clearly, the right to education formed part of economic, social and cultural rights and thus fell within the competence of the Committee.

8. Mr. HUNT (Rapporteur) said that the Committee had decided to start with the right to education because of the growing interest taken in the matter both within the United Nations system, particularly by the Commission on Human Rights Committee and UNICEF, and by non-governmental organizations, especially OXFAM. Similar workshops would, of course be held for all the rights set forth in the Covenant, especially in view of the recommendation of the Commission on Human Rights in 1994 to hold expert seminars focused on specific economic, social and cultural rights.

9. It was realized that UNESCO's special knowledge would be very useful in the elaboration of indicators on the right to education. Accordingly, it was envisaged in paragraph 16 of the proposal that representatives from UNESCO should be invited to participate in the workshop. That being said, the indicators used by UNESCO dealt with education in general and not necessarily with the right to education. However, the dialogue would certainly help to reach common ground on that important question. In conclusion, he remarked that indicators and benchmarks were only a part of the tools the Committee would need in order to fulfil its task. But they were a key element, for without them the Committee would find it very difficult to assess the extent to which States parties were endeavouring, "to the maximum of their available resources", to achieve "progressively the full realization of the rights recognized in the Covenant", as they undertook to do under article 2 (1) of the Covenant.

10. The CHAIRPERSON suggested that the Committee should proceed to consider the document paragraph by paragraph, starting with paragraph 14, the first 13 paragraphs being essentially concerned with background matters.

Paragraphs 14 and 15

11. Paragraphs 14 and 15 were adopted.

Paragraph 16

12. Mr. GRISSA said that he would like to be one of the two experts representing the Committee at the workshop.

13. The CHAIRPERSON replied that it was still too early to appoint the experts or even to decide how many there should be.

14. Mr. RIEDEL said that the proposal was clearly aimed at bringing together a group of experts that would be representative and, at the same time, not too large. If another member of the Committee wanted to participate, he could be appointed as one of the "two or three other independent experts".

15. Mr. TEXIER remarked that the International Covenant on Economic, Social and Cultural Rights was the only instrument to proclaim the right to education as such; two articles were devoted to it, and the question accounted for a sizeable part of the Committee's work at each session. The Committee should therefore be represented by more than two experts, for while other bodies such as the Human Rights Committee or the Committee against Torture sometimes dealt with education, they did not treat it as a priority issue.

16. Mr. CEAUSU also thought that a larger number of experts from the Committee on Economic, Social and Cultural Rights should participate in the workshop. In his view, the Committee should leave it to the High Commissioner for Human Rights to decide upon the precise composition of the workshop, simply indicating to the High Commissioner that the relevant specialized agencies ought to be invited to participate.

17. Mr. RIEDEL said that every expert wishing to participate in the workshop should undertake to prepare a communication in writing describing what contribution he proposed to make to the meeting. In his view, in order to be successful the meeting should have not more than 30 participants, all of whom should be genuinely concerned and competent persons. He supported Mr. Ceausu's suggestion that the task of nominating the participants should be left to the United Nations Secretariat and the High Commissioner for Human Rights.

18. The CHAIRPERSON suggested that the Committee should accept Mr. Ceausu's proposal not to specify the number of representatives from each specialized agency or treaty body invited to participate in the workshop, and to amend paragraph 16 accordingly.

19. It was so decided.

Paragraph 17

20. The CHAIRPERSON asked Mr. Hunt to clarify the meaning of the term "preliminary observations" in the second sentence.

21. Mr. HUNT explained that representatives of the bodies and agencies invited to participate would be asked to prepare a short paper explaining how their respective substantive instrument addressed the issue of education and describing any experience they might have had in the utilization of indicators and benchmarks in the field of education. One issue which the workshop would have to address was the textual differences between various human rights instruments relating to education and the question whether those textual differences warranted different indicators.

22. The CHAIRPERSON said that she agreed with the idea but thought that the meaning of the expression "preliminary observations" should be spelled out more clearly.

23. Ms. JIMENEZ BUTRAGUEÑO said that it would be useful to prepare in advance a document giving some key indicators, such as the proportion of GNP allocated to education, on the basis of already existing documents, especially those of UNDP.

24. Mr. MARCHAN ROMERO supported that proposal. Before the workshop, the Committee should try to draw up, if not a proposal then at least a preliminary paper on the key indicators that should be used in measuring a country's progress achieved in the progressive realization of the right to education. There were two reasons why the Committee should prepare such a document: first, it was the body with the most experience in that field, and, secondly, it seemed unlikely that the workshop would produce a document from scratch in only three days.

25. The CHAIRPERSON said that, since the workshop was to be sponsored by the Office of the High Commissioner for Human Rights, all relevant documents prepared within the United Nations system would be available in all working languages. She therefore saw no need to make preliminary proposals, although the Committee's leading role in the workshop's work was not in doubt.

26. Mr. HUNT explained that, besides the background papers referred to in the first sentence of paragraph 17, the second sentence meant that the Committee would be called upon to prepare in writing a set of "preliminary observations", if only in order to ensure that the work of the workshop enjoyed the support of the rich experience in connection with the right to education which the Committee had built up over the years. He also drew attention to the third sentence of paragraph 17 according to which "one brief, informal preparatory meeting" would be required to ensure that there was "a shared understanding of the workshop's objectives and methods of work".

27. The CHAIRPERSON remarked that a preparatory meeting outside the three days set aside for the workshop would have additional financial implications.

28. Mr. RIEDEL said that he shared the views expressed by Mr. Marchan Romero. A preparatory meeting should be held quite a long time before the workshop so that the participants might attend the workshop well prepared. It was also essential that the Committee should already formulate its views on what needed to be done. Mr. Hunt, who was very well documented on the subject, could make something like 10 key indicators available to the members of the Committee, after which it would be up to the Committee to draft a general comment on articles 13 and 14 and to evaluate the results of the workshop. As for the financial issue, that was essentially the concern of the Office of the High Commissioner for Human Rights; a preparatory meeting, if organized along the lines suggested, ought not to be too cost-intensive. The important thing at the present stage was that the idea of a meeting on indicators relating to education should be accepted by everyone.

29. Mr. ANTANOVICH, also supporting Mr. Marchan Romero, said that the three days set aside for the workshop were unlikely to suffice. Since the proposal to hold a preparatory meeting before the workshop had little chance of going through because of its financial implications, the solution might be to extend the duration of the workshop to five days. With regard to the background papers referred to in paragraph 17, he thought it essential that the Committee should prepare a background document reflecting the joint views of all members.

30. The CHAIRPERSON supported the idea of a jointly prepared working paper that could be forwarded to the other treaty bodies for consideration and possible amendment. In a sense, such a document would be tantamount to a preparatory meeting.

31. Mr. CEAUSU, referring to the last sentence of paragraph 17, thought that it was for the Office of the High Commissioner for Human Rights to set down in writing the objectives and methods of work of the workshop and make them known to the bodies and agencies invited. As for the participants, their contribution to the meeting should be a paper reflecting, not their personal opinion, but the comprehensive and agreed views of the body they represented.

32. Mr. SADI remarked that it would be presumptuous to adopt a formal proposal without first consulting all the treaty bodies and specialized agencies concerned.

33. The CHAIRPERSON said that the item was included in the agenda of the meeting of chairpersons of treaty bodies scheduled to take place on 31 May 1999. However, the Committee proposal which she would present at that meeting would have to have been formally adopted, which implied an agreed decision by the Committee.

The meeting rose at 1 p.m.